

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LISA M. ACKLEY, o/b/o

A.S.B., a minor,

Plaintiff

vs.

CIVIL ACTION NO. 3:CV-07-1559  
(JUDGE KOSIK)

MICHAEL J. ASTRUE,

Commissioner of Social Security,

Defendant

M E M O R A N D U M and O R D E R

AND NOW, THIS 25th DAY OF JULY, 2008, IT APPEARING TO THE COURT

THAT:

(1) On August 24, 2007, plaintiff filed the above-captioned action pursuant to 42 U.S.C. § 405(g), seeking review of defendant's decision to deny her claim for child's supplemental security income benefits;

(2) The matter was assigned to United States Magistrate Judge Malachy E. Mannion;

(3) On July 14, 2008, the Magistrate Judge issued a Report and Recommendation wherein he found that there was substantial evidence of record warranting a remand for the ALJ to determine whether the plaintiff has a marked limitation in the domain of attending and completing tasks. Accordingly, the Magistrate Judge recommended that the instant action be remanded to the Commissioner for further consideration;

(4) The defendant indicated that no objections would be filed to the Magistrate Judge's Report and Recommendation;

**AND, IT FURTHER APPEARING THAT:**

(5) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53, 106 S.Ct. 466 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(6) Having examined the Magistrate Judge's Report and Recommendation, we agree with the Magistrate Judge's conclusions regarding the disposition of this action;

**ACCORDINGLY, IT IS HEREBY ORDERED THAT:**

(1) The Report and Recommendation of Magistrate Judge Malachy E. Mannion filed July 14, 2008 (Document 14) is **ADOPTED**.

(2) The above-captioned action is **REMANDED** to the Commissioner for further consideration consistent with the Magistrate Judge's Report and Recommendation of July 14, 2008; and

(3) The Clerk of Court is directed to forward a copy of this Memorandum and Order to the Magistrate Judge.

*s/Edwin M. Kosik*  
United States District Judge